
UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

CIVIL MINUTES – GENERAL

Case No. 8:17-cv-00838-JLS-JDE
Title: In re: Kia Engine Litigation

Date: June 04, 2021

Present: **Honorable JOSEPHINE L. STATON, UNITED STATES DISTRICT JUDGE**

Melissa Kunig
Deputy Clerk

N/A
Court Reporter

ATTORNEYS PRESENT FOR PLAINTIFF: ATTORNEYS PRESENT FOR DEFENDANTS:

Not Present

Not Present

PROCEEDINGS: (IN CHAMBERS) ORDER RE: NOTICE TO EXCLUDED COMMERCIAL ENTITITES

The Court is in receipt of Defendants' proposed Notice re: Exclusion of Commercial Entities, informing now-excluded commercial entities that they are no longer members of the settlement class. (Notice, Doc. 204.) Knight Motors, LP—one of the now-excluded entities—filed an objection to the Notice, and Defendants responded. (Obj., Doc. 205; Response, Doc. 208.)

Knight Motors objects to the language in the proposed Notice stating that, “as a goodwill gesture, [Defendants are] willing to offer benefits to you similar to those offered under the Settlement should you be willing to provide a release of your individual claims[.]” (Obj. at 4.) Knight Motors argues that the notice is “misleading” because it fails to inform these entities that Defendants have an “affirmative duty” under the Safety Act, 49 U.S.C. § 30120(a), to remedy the vehicles. (*Id.* at 2–3.)

The objection is OVERRULED. First, Knight Motors is no longer a member of the settlement class (Final Approval Order, Doc. 202 at 7, 22), and therefore lacks standing to object to any aspect of this settlement. *See Lozano v. AT&T Wireless Servs., Inc.*, No. CV 02-0090-CAS-AJWx, 2010 WL 11515433, at *5 (C.D. Cal. Nov. 22, 2010) (finding that certain objectors “are not members of the *Lozano* Settlement Class and, thus, lack standing to object to the *Lozano* Settlement.”); *see also* Fed. R. Civ. P. 23(e)(5) (“Any *class member* may object to the proposal if it requires court approval under this

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subdivision[.]") (emphasis added). Second, the objection is also overruled on the merits. The purpose of the Notice is to inform certain commercial entities that they are no longer members of the settlement class and that the terms of the settlement no longer bind them. The Court will not determine, in the context of a proposed notice to now-excluded class members, the contours of a purported right—extraneous to any claim in this action—that non-class members may have independent of this settlement.

The parties' proposed Notice and notice plan is therefore APPROVED.

Initials of Deputy Clerk: mku